

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

October 23, 2006

At 9:31 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Nicholson, Associate Justice; and Ellis, bailiff.

C050086 SAUER, II v. GRIFFITH et al.

Cause called. Richard E. Keene argued for appellant. James P. Mayo argued for respondents. Cause submitted.

At 10:09 a.m., the court recessed. At 10:17 a.m., the court reconvened with Nicholson, Associate Justice; Robie, Associate Justice; and Butz, Associate Justice.

C048438 GLOBAL MED TECHNOLOGIES, INC., et al. v. JACKSON, JR.

C049490 GLOBAL MED TECHNOLOGIES, INC., et al. v. JACKSON, JR.

Cause called. Raymond A. Cardozo argued and David. J. de Jesus appeared only for appellants. James R. Kirby argued for respondent. Cause submitted.

At 10:54 a.m., the court recessed. At 2:06 p.m., the court reconvened with Scotland, Presiding Justice; Morrison, Associate Justice; and Robie, Associate Justice.

C044770 THE PEOPLE v. TACKETT

Cause called. Paul V. Carroll, court appointed counsel, argued for appellant. R. Todd Marshall, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:39 p.m., the court recessed. At 2:43 p.m., the court reconvened with Blease, Associate Justice. Raye, Associate Justice; and Robie, Associate Justice.

C050767 WOO-MING et al. v. KAISER FOUNDATION HEALTH PLAN, INC., et al.

Cause called. Leticia Woo-Ming argued In Pro Per as appellant. Geoffrey E. Woo-Ming argued In Pro Per as appellant. Ross E. Lampe argued for respondents. Cause submitted.

At 3:00 p.m., the court recessed. At 3:07 p.m., the court reconvened with Davis, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

C048328 WHEATLEY v. FINK

Cause called. Michael F. Babitzke argued for appellant. Thomas J. Newton argued for respondent. Cause submitted.

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October 23, 2006, continued

At 3:31 p.m., the court recessed. At 3:35 p.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Robie, Associate Justice.

C047305 LENI v. LENI

Cause called. Hernan Frank argued for appellant. Franklin W. King argued for respondent. Cause submitted.

At 4:08 p.m., the court recessed. At 4:12 p.m., the court reconvened with Robie, Associate Justice; Butz, Associate Justice; and Cantil-Sakauye, Associate Justice.

**C051506 THE HERRICK CORPORATION v. CALIFORNIA OCCUPATIONAL SAFETY
AND HEALTH APPEALS BOARD and DEPARTMENT OF INDUSTRIAL
RELATIONS, DIVISION OF OCCUPATIONAL SAFETY AND HEALTH**

Cause called. Robert D. Peterson argued for appellant. J. Jeffrey Mojcher argued for respondent. David W. Pies argued for real party in interest. Cause submitted.

At 4:31 p.m., the court recessed until 8:47 a.m., Tuesday, October 24, 2006.

C047755 THE PEOPLE v. WILSON et al. (Not for Publication)

The judgments are affirmed.

NICHOLSON, Acting P.J.

We Concur: Robie, J.

Butz, J.

C050482 THE PEOPLE v. FRANKIE (Not for Publication)

The judgment is affirmed. The trial court is ordered to correct the abstract of judgment... and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.

BLEASE, Acting P.J.

We Concur: Nicholson, J.

Cantil-Sakauye, J.

C050639 THE PEOPLE v. KAO (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Blease, J.

Morrison, J.

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October 23, 2006, continued

- C051084 THE PEOPLE v. KUMAR (Not for Publication)**
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Hull, J.
Cantil-Sakauye, J.
- C051688 THE PEOPLE v. FALLON (Not for Publication)**
The matter is remanded to the trial court... In all other respects, the judgment is affirmed.
SIMS, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C051320 In re A.G.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES v. ANNA G. (Not for Publication)**
The orders of the juvenile court are affirmed.
HULL, J.
We Concur: Sims, Acting P.J.
Davis, J.
- C048615 THE PEOPLE v. MAESTAS (Certified for Partial Publication)**
THE COURT:
It is ordered that the opinion filed herein on September 22, 2006, be modified...
... This modification does not affect the judgment.
The petitions for rehearing are denied. (*Certified for Partial Publication.*)
THE COURT:
SCOTLAND, P.J.
NICHOLSON, J.
BUTZ, J.

October 24, 2006

At 8:47 a.m., the court met at San Juan High School, Sacramento, California, for a special court calendar session. Present were Scotland, Presiding Justice; Morrison, Associate Justice; Cantil-Sakauye, Associate Justice; and Warnock, bailiff.

- C052035 In re SHANNON T.; THE PEOPLE v. SHANNON T.**
Cause called. Tara K. Allen, court appointed counsel, argued for appellant. Stan Cross, Deputy Attorney General, argued for respondent. Cause submitted.

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October 24, 2006, continued

C052052 TYLER v. UNIGARD INSURANCE COMPANY

Cause called. Leo Donahue argued for appellant. Gregory M. Finch argued for respondent. Cause submitted.

At 9:40 a.m., the court recessed. A question and answer session was held allowing questions directed to the justices from the students. At 10:40 a.m., the court reconvened.

C051722 LEVI et al. v. O'CONNELL as Superintendent, etc.

Cause called. Richard Fickerman argued for appellants. Allan J. Keown argued for respondent. Cause submitted.

C045750 THE PEOPLE v. WRIGHT

Cause called. Janet Gray, court appointed counsel, argued for appellant. Catherine G. Tennant, Deputy Attorney General, argued for respondent. Cause submitted.

At 11:54 a.m., the court recessed. A question and answer session was held allowing questions to be directed to the justices from the students. The court will reconvene at 9:30 a.m., Monday, November 13, 2006.

C051408 THE PEOPLE v. STEAD

(Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Blease, Acting P.J.

Butz, J.

C050976 In re TREVOR T.; BUTTE COUNTY CHILDREN'S SERVICES DIVISION v. ROY T.

(Not for Publication)

The appeal is dismissed.

BLEASE, Acting P.J.

We Concur: Sims, J.

Butz, J.

C047514 THE PEOPLE v. PEETE

C047770 THE PEOPLE v. COURTNEY

BY THE COURT:

Appellant Courtney's petition for rehearing is denied.

RAYE, Acting P.J.

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October 24, 2006, continued

C050146 THE PEOPLE v. SCOMA (Not for Publication)

THE COURT:

It is ordered that the opinion filed herein on October 4, 2006, be modified...

... There is no change in the judgment.

Appellant's petition for rehearing is denied.

SIMS, Acting P.J.

DAVIS, J.

HULL, J.

**C053352 PACIFIC GAS and ELECTRIC CO. v. THE SUPERIOR COURT OF SAN
JOAQUIN COUNTY and AMERICAN GUARANTEE and LIABILITY
INSURANCE CO. (CERTIFIED FOR PUBLICATION)**

... Let a peremptory writ of mandate issue directing respondent superior court to vacate its order denying petitioner's motion to strike, and to enter a new order granting petitioner's motion to strike. Petitioner shall recover its costs.

SIMS, Acting P.J.

We Concur: Davis, J.

Hull, J.

October 25, 2006

C050449 THE PEOPLE v. MEDINA (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Davis, Acting P.J.

Butz, J.

C051165 THE PEOPLE v. PURCADO (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Nicholson, Acting P.J.

Morrison, J.

C052200 THE PEOPLE v. GODOWN (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Davis, J.

Raye, J.

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October 25, 2006, continued

C050530 PETERSON v. DEIN (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

We Concur: Hull, J.

Cantil-Sakauye, J.

C050931 BRAMLETTE v. WILBUR (Not for Publication)

The civil harassment order is affirmed.

SCOTLAND, P.J.

We Concur: Davis, J.

Hull, J.

**C052528 TEMPLETON DEVELOPMENT CORPORATION et al. v. THE SUPERIOR
COURT OF SACRAMENTO COUNTY and DICK EMARD ELECTRIC, INC.
(Not for Publication)**

The order is affirmed. Emard shall recover its costs pursuant to California
Rules of Court, rule 27 (a).

CANTIL-SAKAUYE, J.

We Concur: Nicholson, J.

Hull, J.

October 26, 2006

C047912 THE PEOPLE v. ATHERTON (Not for Publication)

The judgment is affirmed.

RAYE, Acting P.J.

We Concur: Morrison, J.

Butz, J.

C048798 THE PEOPLE v. XIONG (Not for Publication)

The criminal street gang enhancement (§ 186.22, subd. (b)(1)) and
firearm enhancements (§12022.53, subds. (b), (c), (d), and (e)(1)) are reversed.
Defendant's sentence is modified... In all other respects, the judgment is
affirmed.

BUTZ, J.

We Concur: Nicholson, Acting P.J.

Raye, J.

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October 27, 2006, continued

- C052329 THE PEOPLE v. CONDREY (Not for Publication)**
The judgment is modified... As modified, the judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Nicholson, Acting P.J.
Butz, J.
- C052499 In re DAISY D.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. TRACY S. (CERTIFIED FOR PUBLICATION)**
The juvenile court's order is affirmed.
ROBIE, J.
We Concur: Sims, Acting P.J.
Hull, J.
- C050300 THE PEOPLE v. KING et al.**
BY THE COURT:
Appellant Ralph King's petition for rehearing is denied.
SCOTLAND, P.J.